

Atty. Dkt. No. 10992023-3

REMARKS

This Reply is in response to the Office Action mailed on October 4, 2005.

I. **Claim Rejections - USC § 102(b)**

Paragraph 2 of the Office Action rejected claims 1, 2, 4-18 under USC § 102(b) as being anticipated by U.S. Patent No. 5,833,381 to Kellogg. Applicants respectfully traverse these rejections as set forth below.

Claim 1, as amended in a July 24, 2003 Preliminary Amendment, recites a "media conformance member including an aperture through which the optical path extends without obstruction such that dust or debris can fall through the aperture." Kellogg fails to teach this limitation. Indeed, as shown in FIG. 2B of Kellogg, the Kellogg optical path passes through transparent scanner window 28. Dust and debris are unable to pass through the transparent scanner window 28. Accordingly, Applicants submit that Kellogg does not anticipate claim 1 because Kellogg fails to teach a "media conformance member including an aperture through which the optical path extends without obstruction such that dust or debris can fall through the aperture." Withdrawal of the rejection of claim 1 is requested.

Claims 2, 4-6 depend upon claim 1 and are allowable for at least the same reasons claim 1 is allowable. Withdrawal of these rejections is requested.

Claim 6, as amended in a July 24, 2003 Preliminary Amendment, recites a "lower document feeder portion including an aperture facing the reference surface, the aperture being formed such that dust or debris can fall through the aperture...." Kellogg fails to teach this limitation. As discussed above, and as shown in FIG. 2B of Kellogg, the Kellogg optical path passes through transparent scanner window 28. Dust and debris are unable to pass through the transparent scanner window 28. As such, Kellogg does not anticipate claim 6. Withdrawal of this rejection is requested.

Claims 7-13 depend upon claim 6 and are allowable for at least the same reasons claim 6 is allowable. Withdrawal of this rejection is requested.

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Claim 14, as amended in a July 24, 2003 Preliminary Amendment, recites a "media conformance member including an aperture shaped to provide an optical path to the media path and such that dust or debris can fall through the aperture...." Kellogg fails to teach this limitation. Indeed, discussed above and as shown in FIG. 2B of Kellogg, the Kellogg optical path passes through transparent scanner window 28. Dust and debris are unable to pass through the transparent scanner window 28. Accordingly, Applicants submit that Kellogg does not anticipate claim 14 because Kellogg fails to teach a "media conformance member including an aperture shaped to provide an optical path to the media path and such that dust or debris can fall through the aperture...." Withdrawal of this rejection is requested.

Claims 15-17 depend upon claim 14 and are allowable for at least the same reasons claim 14 is allowable. Withdrawal of this rejection is requested.

Claim 18, as amended in a July 24, 2003 Preliminary Amendment, recites a "lower document feeder portion including an aperture facing the reference surface, the media path being configured to push a piece of media in the media path against the reference surface, the aperture providing an optical path to the media path and being formed such that dust or debris can fall through the aperture." Kellogg does not disclose this feature. Indeed, discussed above and as shown in FIG. 2B of Kellogg, the Kellogg optical path passes through transparent scanner window 28. Dust and debris are unable to pass through the transparent scanner window 28. Accordingly, Applicants submit that Kellogg does not anticipate claim 14 because Kellogg fails to teach a "lower document feeder portion including an aperture facing the reference surface, the media path being configured to push a piece of media in the media path against the reference surface, the aperture providing an optical path to the media path and being formed such that dust or debris can fall through the aperture." Withdrawal of the rejection of claim 18 is requested.

Claims 19 and 20 depend upon claim 18 and are allowable for at least the same reasons claims 19 and 20 are allowable. Withdrawal of these rejections is requested.

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II. Allowable Subject Matter

Paragraph 3 of the Office Action objected to claim 3 as being dependent upon a rejected base claim. Claim 3 depends upon claim 1. Applicants traverse the objection to claim 3 on the basis that claim 1 is allowable for the reasons set forth above. Withdrawal of the objection to claim 3 is requested.

III. Conclusion

Applicants believe that the present application is in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

Date

11/11/2005

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